

MEMORANDUM

Date: June 27, 2007

To: The City of San Diego Rules Committee

From: The Elections Task Force

Subject: Instant Runoff Voting (IRV)

Introduction

On February 6, 2006, the Elections Task Force was formed by the City Council with the objective of researching elections-related issues and reporting results and recommendations to the Rules Committee for possible consideration by the full City Council. Members of the Task Force included appointments from the Mayor and each Council Office as well as staff from the City Attorney's Office, Office of the Independent Budget Analyst, Office of the City Clerk and the Mayor's Office, with the Clerk serving as the Chair. On April 5, 2006, the Task Force agenda and a potential timeframe were approved by the Rules Committee. The first meeting of the Task Force occurred on April 21, 2006.

The Elections Task Force presented a report on the first topic, Mail-Only Balloting, to the Rules Committee on July 26, 2006. On September 29, 2006, the Task Force embarked upon the topic of Instant Runoff Voting (IRV). On February 7, 2007, the Task Force received permission from the Rules Committee to combine several topics, including IRV, Voter Outreach, Alternate Services Providers and Mail-Only Balloting as it relates to IRV.

What is Instant Runoff Voting (IRV)?

IRV is a ranked-ballot method of voting (sometimes referred to as Ranked Choice Voting) that always results in a winner chosen by a majority of voters. On the ballot, voters rank the candidates in order of preference. Each voter has one vote, and that vote counts toward the highest-preferred viable candidate. If no candidate receives a majority of votes in the first round of ballot tabulation, the candidate with the fewest votes is eliminated. Those whose first choice is eliminated have votes transferred to their second choice. This process is repeated until one candidate receives a majority. Thus, the process has been compared to a series of runoff elections that occur at the same election, on one ballot – hence the term, “Instant Runoff Voting.”

An example of what a ballot might look like is as follows:

Candidates	1st Choice	2nd Choice	3rd Choice	4th Choice
Person A				
Person B				
Person C				
Person D				

Research

The concept of IRV is not a new one. It was first used in Ohio in 1915, and was used in twenty-three cities in the 1930s and 1940s including New York City, Sacramento and Cincinnati. It has been used in Cambridge, Massachusetts since 1941.

San Francisco

San Francisco voters passed ranked choice voting in 2002. The system was used in November, 2004 to elect district Supervisors in seven of the eleven districts. In four of those districts (1,5,7 and 11), no candidate won a majority in the first round, but IRV eliminated the need for a December runoff. In 2005, IRV was used in three citywide races. San Francisco saved over \$2 million in 2005 by avoiding that second, potentially low-turnout election.

According to a 2004 exit poll by San Francisco State University/Public Research Institute, 86% of those who voted in the polling place and 89% of absentee voters felt they understood IRV fairly well or perfectly well after using it. In addition, 61% of polling place voters and 77% of absentee voters preferred IRV over the old system.

The Chinese American Voters Education Committee (CAVEC) also conducted a poll in 2004 and found that, of those who expressed an opinion, 83% of Latinos, 70% of Whites, 72% of Asians, and 62% of Blacks liked IRV.

Burlington, Vermont

Burlington used IRV for the first time to elect its Mayor in 2006. There were five candidates on the ballot plus a write-in slot. In testimony to the Pierce County Charter Review Commission by Caleb Kleppner, a former staffer with the Center for Voting and Democracy from 1999-2004, voters preferred IRV to the old "vote for one" method by more than 3 to 1. In

addition, 91% disagreed with the statement, “The ballot was confusing.” The valid ballot rate was 99.9%.

In the process of studying IRV, the Elections Task Force became aware of the following issues, which will be addressed in more detail below:

- I. According to the report presented by the City Attorney’s Office, a Charter Amendment would be required for the City to implement IRV.
- II. The City of San Diego is the only local jurisdiction considering IRV at this time. Thus, should the City implement IRV, it would create a different look and feel to the City’s ballot (as compared to other local municipalities participating in the election process). In addition, it’s possible that City elections would require two ballot cards (one for City-specific races where IRV would be used, and one for other County issues before City voters).

The County Registrar of Voters (ROV) has indicated an uncertainty about whether the ROV could support the City’s election process should the City choose to move forward with implementing IRV. The City Clerk is currently working with the new ROV to increase communication between the City and the County, with the hope that increased communication will enable the ROV to provide additional or more detailed election-related information to the City.

In the instance of IRV, the ROV would need to determine whether the County’s equipment and software could support an IRV election, and the City would likely have to pay the cost of either upgrading equipment, software or both.

It should be noted, however, that the State Assembly is currently considering IRV for the State of California (AB 1294). Although the Assembly analysis specifically states that, ‘Any costs to cities or counties would be non-reimbursable, as this bill is permissible,’ the impact that this bill might have on the State’s election process and the possible role of IRV is unknown at this time.

I. Charter Amendment

The City of San Diego is a Charter City and thus could implement IRV for municipal elections by a vote of the people to change the City Charter. The City Attorney’s Office has suggested that implementation of IRV would require numerous Charter changes. Depending upon how the Council wishes to implement IRV, it may be possible to do so with a single

Charter Amendment regarding Special Elections, or with multiple Charter Amendments on the ballot at one time to allow for IRV in other election situations.

In addition, the City Council would need to revise related Municipal Code election procedures.

This report does not address procedural issues related to IRV in consolidated elections. The Task Force did not address this because California law presently does not permit the use of IRV to elect state or federal office holders. However, when the City consolidates its elections, in general, state law applies to that ballot. It should be noted that even if AB 1294 is approved, the City would still need to go through a Charter amendment process if it wishes to implement IRV for municipal elections.

II. Registrar of Voters

As noted above, after inquiries by the Elections Task Force, the ROV was not certain whether the County could implement an IRV election. In addition, the ROV noted that programming did not exist in the current ballot tabulation software to support IRV and that such software would have to be developed should the City choose to pursue IRV. The ETF did determine that in other jurisdictions where IRV has been implemented, there has been a cost associated with new equipment and upgraded software, as well as election official training in order to conduct this type of election.

The ROV did indicate that, should the City determine that it was important or valuable to pursue IRV, it might be beneficial to consider moving off the consolidated election cycle so that the City would have the ballot to itself.

The Elections Task Force determined that it would be important to research alternate services providers to ascertain what options are available to the City in contracting with outside vendors to support the election process. In addition, the Task Force decided that it would be wise to consider mail-only balloting in that this methodology might provide a medium for allowing IRV to occur through an alternate services provider or as a stand-alone election.

Alternate Services Providers/Logistics

In November 2004, the City of San Diego conducted a stand-alone special election to fill a vacancy in Council District 4. The deadline to consolidate with the November General Election had passed, and the ROV could not support a Special Election for District 4 in addition to conducting the

November General Election. Thus, the City Council voted to have the City Clerk conduct this Special Election with support from the ROV for both poll-worker set-up and training, as well as for signature verification for absentee ballots. A private company, Martin & Chapman, was hired to conduct the ballot tabulation. At the time this Special Election occurred, Martin & Chapman was one of the few election services providers that was equipped to handle an election the size and scope of the District 4 election. At the time, District 4 had 64,350 registered voters.

It should be noted that, although Martin & Chapman's initial estimate to provide election services came in well under the ROV's estimate at the time (\$158,000 v. \$280,000), the actual costs were almost equal. The services provided by Martin & Chapman only encompassed some training and ballot tabulation. The City had to contract with the County for polling places, signature verification and translation services. In addition, business in the Office of the City Clerk came to a virtual stand-still for a three-week period in order to accommodate absentee ballot processing and to conduct the canvass following the election.

In researching alternate election services providers, the City Clerk was not successful in finding a private company capable of supporting the City's almost 580,000 registered voters citywide. In addition, the Clerk was unable to identify any services providers with the ability to provide the full spectrum of elections services (poll-worker recruitment, training and location selection, state-mandated translation requirements, printing, mailing, signature verification, tabulation and canvass of results) in a cost-effective manner. In order to conduct its own elections, the City would have to set up a duplicate election system (that would mirror the County's), without the expertise, equipment or resources currently available to the County. In addition, the duplication of polling places would likely create confusion for citizens and would put a strain on the already-taxed volunteer poll-worker system.

Mail-Only Balloting

Given the lack of options relating to alternate election services providers, the Elections Task Force re-examined the possibility of suggesting the use of a mail-only election in conjunction with a Special Election as a way of enabling the City of San Diego to utilize IRV in specific, Special Election circumstances.

Voter Outreach

Voter outreach and education would potentially need to have a dual component:

I. Pre-Charter Change

As the City Attorney's Office has noted, a Charter change would be required if the City chose to implement IRV – regardless of whether it entailed global implementation or just discrete, Special Election circumstances. Thus, should the City choose to move forward with IRV, there would need to be an outreach program geared toward educating the public on the general concept of IRV and its anticipated benefits. The Elections Task Force was unable to estimate a cost for this kind of outreach, but using the City/County of San Francisco's example, described further below, it is clear that it would not be a modest cost, particularly given the number of the City of San Diego's registered voters and the fact that the City of San Diego would be considering this change apart from the rest of the county and the other jurisdictions that currently use the ROV to manage their election processes.

II. Implementation

If the IRV-related Charter changes are approved by the electorate, a secondary education and outreach program would be required. The City/County of San Francisco budgeted \$750,000 for the 2004 election relating to IRV, to educate approximately 440,000 registered voters. The education initiative had several components, including:

- * Funding targeting the education and outreach of minority communities and organizations, elderly communities, young people and those with disabilities.
- * A focus on ethnic media to buy advertisements.
- * On-line changes to the Department of Elections web-site specifically addressing IRV.
- * A citywide mailing, ads on the backs of city buses, radio ads, and other general outreach methodologies.

It should be noted that the cost of voter outreach could be supplemented or partially offset by using grant funding or collaborating with community organizations. In addition, although the outreach component during the pre-Charter change portion has a focus on IRV (what it is, how it works, etc.), in the implementation phase, the intent of voter outreach is far broader in scope. During implementation, there would need to be an equal focus on increasing voter participation in general.

Advantages

Based on our research, the Elections Task Force determined that there were several potential advantages to IRV. They include:

- Significant cost savings in not having to conduct a separate run-off election in instances where a run-off election would have been required.
- The ability to fill vacant seats in a more expeditious manner.
- Reducing one of the perceived obstacles to candidate recruitment (long campaigns with the need to raise large sums of money), and thus potentially increasing the candidate pool.
- Reducing voter fatigue in having to participate in more than one election, which could result in an increase in voter turn-out.
- Public opinion polls indicate a preference for IRV in jurisdictions where it has been implemented.
- In San Francisco, the Chinese American Voters Education Committee noted that a variety of ethnically diverse/minority groups like IRV.

Disadvantages

The Elections Task Force also recognized that there were potential disadvantages to implementing IRV in the City of San Diego. They include:

- It would eliminate the primary and general election system where the top two candidates compete and the public is allowed an opportunity to learn more about these candidates.
- The City would have to pay the cost to conduct an election to implement the Charter changes necessary to enact IRV.
- The City would have to pay the cost of the secondary education and outreach effort to explain IRV to the voters in advance of the next election where it would be used to elect City officials.
- As the only jurisdiction currently considering IRV, the City would have to fund changes to voter tabulation software and equipment if the ROV agreed to manage the election process for the City.
- Again, as the sole jurisdiction considering IRV, the City could have the possibility of two separate ballots in a consolidated election – one for IRV-related items and another for all other issues.

Recommendation

The Elections Task Force was unable to obtain a majority vote with regard to a recommendation. However, of the six members present to finalize the report, four felt very strongly in favor of implementing IRV for all applicable regular or special elections and thus having the City pursue the necessary Charter changes to allow IRV in future elections. In addition, there was a desire for the Rules Committee to refer the subject to the Charter Review Committee for inclusion in its deliberations.

Of those in opposition to this motion, the main reason revolved around the fact that, while there are several advantages to utilizing IRV for City elections, in situations where no one candidate receives a majority vote, it is both appropriate and maybe even necessary for the top two candidates to be placed in a run-off election. This would allow the undetermined electorate an opportunity to educate themselves further on the top two vote-getters before casting their ballots.

Respectfully Submitted by:

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